



Sabrina Winters
Attorney at Law, PLLC

IMPORTANT PLANNING DECISIONS TO MAKE NOW FOR YOUR SPECIAL NEEDS CHILD

As a Charlotte Estate Planning attorney, I work with parent to make certain their minor children will be protected if the death or incapacity of one or both parents should occur. The care, love and nurturing provided by a parent can never be replaced or duplicated. However, children with special needs or disabilities (regardless of age) require special planning. As a parent of a special needs child you undoubtedly are concerned with the care your child will have after you are no longer able to do so. There are some very important planning decisions that you need to be make now in order to protect your child when you cannot.

1. Have a written estate plan in place:

A written estate plan (either a Will or a Living Trust) provides for the distribution of your estate – who receives what, when and how much. Without a written plan in place you could jeopardize your child’s government assistance and disqualify that child from continued receipt of those benefits.

2. Appoint an appropriate guardian:

You may want to consider having yourself (as the parent) appointed through the State of North Carolina as the Guardian of your child after your child turns 18, so that you can continue to make these life decisions for him or her after they are technically considered an adult.

In addition it is important to nominate a guardian to care for your child after your death. Carefully consider the person you choose. He or she must be able and willing to care for a child with a disability. Talk to that person in detail, discuss your child’s daily needs and your concerns. It is better to know now rather than when it is too late!

3. Create a Supplemental Needs Trust:

If your child is on public assistance you run the risk of disqualifying him or her from continued receipt of the assistance if you leave your child a direct inheritance. The Supplemental Needs Trust (also known as an SNT) allows the child to still inherit from the parents' estate and continue to receive public assistance. The public assistance provides for the very basic necessities of daily living. The Trust could then provide a better quality of life for your special needs child.

4. Know and understand Medicaid and Supplemental Security Income (SSI) requirements:

These assistance programs are based on resources and income. You may jeopardize your child's continued receipt of assistance if you do not familiarize yourself with not only the requirements to qualify but what the payments may be permitted to be spent on as well.

It is important that you speak with both a special needs attorney and financial planner that are experienced in assisting clients with planning for special needs children. Planning today for your family's tomorrow is the greatest gift a parent could give a child.

Sabrina Winters is the Senior Attorney at Sabrina Winters, Attorney at Law, PLLC, an Estate Planning and Probate law firm located in Charlotte, North Carolina. Sabrina has been assisting clients in all areas of Estate Planning for over a decade. www.ncestateplanninginfo.com, swinters@sabrinawinterslaw.com, (704) 843-1446